IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.6654 of 2004

Between:

APSRTC Employees Co-operative Thrift and Credit Society Limited, rep.by Secretary Sri M.V. Nagarju, S/o Narayan Rao, 44 years, R/o Hyderabad.

...PETITIONER

AND

1. The Second Appellate Authority under Section 48 (3) of the A.P.Shops & Establishments Act, 1988 and Deputy Commissioner of Labour (Twin Cities), T.Anjaiah Bhavan, Musheerabad, Hyderabad-20.
2. The Appellate Authority under Section 48 (3) of the A.P.Shops & Establishments Act, 1988 and Assistant Commissioner of Labour-III, T.Anjaiah Bhavan, Musheerabad, Hyderabad-20.
3. Smt.Venkatamma, W/o.Yellaiah, 45 years, R/o.1-9-1113/F/402, Nagamaiah Kunta, Azamabad, Hyderabad-20.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records from the 1st and 2nd respondents and issue an appropriate Writ, order or Direction, more particularly one in the nature of Writ of Certiorari, and quash the Order passed by the 1st respondent S.A.No.12 of 2003 dated 17.01.2004, confirming the order passed by the 2nd respondent in S.E. No. 23 of 2002 dated 08.09.2003, holding the same as illegal, unjust, contrary to law and perverse.

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO
Counsel for the Respondent Nos.1 & 2: GP FOR LABOUR
Counsel for the Respondent No.3: MR.V.HARIHARAN

The Court made the following:

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.6654 of 2004

ORDER:

Heard Sri A.K.Jayaprakash Rao, the learned counsel appearing for the petitioner and Sri V.Hariharan, the learned counsel appearing for the contesting respondent. At their request, the main Writ Petition itself is taken up for disposal.

The petitioner, which is a Society, seeks to assail the impugned order dated 17.01.2004 in S.A.No.12 of 2003 on the file of the first respondent herein, confirming the order dated 08.09.2003 in S.E.No.23 of 2002 on the file of the second respondent herein, as illegal.

The grievance of the petitioner is that the claim as made by the third respondent herein is wholly unsustainable and sought to raise several questions in regard to the entitlement and reinstatement as ordered and as confirmed in the appeal.

It is contended on behalf of the third respondent that having regard to the finding as arrived at in regard to the petitioner's claim, the same cannot be gone into or varied with in this Writ Petition.

On hearing the learned counsel on both sides and on perusal of the material available on record, especially on the suggestion made from both sides, it is decided that having regard to the fact that the third respondent was working as a part-time sweeper and she was also an employee elsewhere, attending to those duties, it is known that she is sufficiently employed. Therefore, there cannot be any dispute with regard to the payment of the amount towards compensation in view of the reinstatement as already ordered by the authorities. After discussion, it appears that the same can be quantified with a sum of Rs.30,000/- (Rupees thirty thousand only). Under the facts and circumstances of the case and especially, to suffice the interest of justice, it would be better to convert the reinstatement into that of payment of the compensation.

Accordingly, the Writ Petition is partly allowed to the extent of converting the direction given by both the authorities into that of payment of a quantified amount of compensation of Rs.30,000/- (Rupees thirty thousand only) payable by the petitioner to the third respondent. The petitioner shall pay the same within a period of six weeks from today.

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(B.PRAKASH RAO, J)

25th February 2005

RRB

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Friday, the twenty fifth day of February 2005.

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Deputy Commissioner of Labour (Twin Cities), The Second Appellate Authority under Section 48 (3) of the A.P.Shops & Establishments Act, 1988, T.Anjaiah Bhavan, Musheerabad, Hyderabad-20.
2. The Assistant Commissioner of Labour-III, The Appellate Authority under Section 48 (3) of the A.P.Shops & Establishments Act, 1988, T.Anjaiah Bhavan, Musheerabad, Hyderabad-20.
3. Two CCs to G.P. for Labour, High Court Buildings, Hyderabad (OUT).
4. Two CD copies.